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21 Attorneys for Defendant  
22 CATERPILLAR INC.

23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA

25 RALPH H. MCKEE, JR. AND KRISTINE  
26 MCKEE,

27 Plaintiffs,

28 v.

29 CATERPILLAR INC.; and DOES 1-100,  
30 inclusive,

31 Defendants.

CASE NO. C-07-3900-WHA

**STIPULATION AND [PROPOSED]  
ORDER FOR CONTINUANCE OF  
INITIAL CASE MANAGEMENT  
CONFERENCE AND RELATED DATES**

Judge: Hon. William H. Alsup  
Courtroom: 9 (19th Floor)

32 By and through their respective counsel, the parties to the above-captioned action hereby stipulate  
33 as follows:

34 WHEREAS, on July 31, 2007, the Court issued an order that, *inter alia*: (1) set an

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36 **STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF INITIAL CASE MANAGEMENT  
CONFERENCE AND RELATED DATES**  
37 CASE NO. C-07-3900-WHA

1 October 30, 2007 deadline for filing the Rule 26(f) report, completing initial disclosures or  
2 objecting thereto in the Rule 26(f) report, and filing the case management statement for the initial  
3 case management conference; and (2) set the initial case management conference for November 6,  
4 2007 at 10:00 a.m.;

5 WHEREAS, on October 16, 2007 the parties filed a Joint Declination to Proceed Before a  
6 U.S. Magistrate Judge and Request for Reassignment to a United States District Judge;

7 WHEREAS, on October 18, 2007 the Court issued an order reassigning the case to Judge  
8 William H. Alsup for all further proceedings;

9 WHEREAS, on October 23, 2007 the Court issued a Notice Scheduling Initial Case  
10 Management Conference on Reassignment providing that (1) an Initial Case Management  
11 Conference is set for November 15, 2007 at 11:00 a.m.; (2) a Joint Case Management Conference  
12 Statement is due not less than seven days prior to the conference; and (3) all other deadlines in the  
13 initial case management scheduling order filed on July 31, 2007 remain in effect.

14 WHEREAS, the Court has indicated it conducts case management conferences at 11:00  
15 a.m. on Thursdays;

16 WHEREAS, the parties are investigating and inquiring of information to support their  
17 claims and defenses, and meeting and conferring on all discovery matters, including obtaining the  
18 serial number for the Caterpillar 980F at issue, as well as authorizing the release of relevant Social  
19 Security earnings records, employment and medical records;

20 WHEREAS, the parties agree that a brief continuance of the initial disclosure and Rule  
21 26(f) report deadlines may help to expedite discovery and conserve judicial and the parties'  
22 resources.

23 NOW, THEREFORE, THE PARTIES mutually request that the Court modify the  
24 schedule with respect to the initial case management conference and related deadlines as follows:

25 1. The last day to file the case management statement for the initial case management  
26 conference (per the Court's Standing Order re: Supplemental Order to Order Setting Initial Case  
27

1 Management Conference in Civil Cases Before Judge William Alsup) shall be continued from  
2 November 8, 2007 to **November 29, 2007**;

3 2. The initial case management conference shall be continued from November 15,  
4 2007 to **Thursday, December 6, 2007** at 11:00 a.m., in Courtroom 9, 19th Floor, San Francisco;

5 3. The last day to file the Rule 26(f) report and to complete initial disclosures or state  
6 objections thereto in the Rule 26(f) report shall be continued from October 30, 2007 to  
7 **November 29, 2007**.

8  
9 **SO STIPULATED.**

10 DATED: October 29, 2007

BRAYTON ♦ PURCELL LLP

11  
12  
13 By: 

Clayton Kent

Attorneys for Plaintiffs

RALPH H. MCKEE AND KRISTINE MCKEE

14  
15 DATED: October 29, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

16  
17 By: /s/ Steven D. Wasserman

Steven D. Wasserman

Attorneys for Defendant

CATERPILLAR INC.

18  
19  
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

21  
22 DATED: October \_\_, 2007

23  
24 By: \_\_\_\_\_

Hon. William H. Alsup

United States District Court Judge